

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GAYLORD STEVENS,

Plaintiff,

v.

Case No. CIV-16-531-Raw

**MUSKOGEE, OKLAHOMA ANIMAL
CONTROL, et al.,**

Defendants.

ORDER

Before the court is the motion of defendants Nik Morgan and Morgan and Sons Towing Service to dismiss. Plaintiff, appearing *pro se*, alleges multiple claims pursuant to 42 U.S.C. §1983 against multiple defendants. Plaintiff was convicted in Texas state court for possession of child pornography, and those convictions were recently affirmed. *Stevens v. State*, 2017 WL 411382 (Tex.App. - Tyler 2017). Initially, plaintiff was arrested for cruelty to animals, and six horses that were determined to be in poor condition were moved “to another location for treatment.” *Id.* at *1.

Evidently, on or about December 10, 2013, movants picked up and removed horses belonging to plaintiff, although not the horses involved in the Texas criminal conduct. Rather, they were roaming horses in the Muskogee, Oklahoma area. Movants assert any claim against them is barred by the statute of limitations and by the fact that they are not “state actors” under §1983. (The complaint names both defendants in their individual and official capacity, but that distinction does not apply to a private party in any event). As it has

done in connection with other motions in this case, the court finds the claim is barred by the statute of limitations.

It is the order of the court that the motion to dismiss (#94) is hereby granted. Nik Morgan and Morgan and Son's Towing Service are dismissed as party defendants.

IT IS SO ORDERED this 18th day of AUGUST, 2017.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE